

STEVEN G. KALAR
Federal Public Defender
ELIZABETH M. FALK
Assistant Federal Public Defender
19th Floor Federal Building
450 Golden Gate Avenue
San Francisco, CA 94102
(415) 436-7700
Counsel for Defendant ANDRE VIDEAU

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

| | | |
|---------------------------|---|------------------------------------------------|
| UNITED STATES OF AMERICA, |) | CR No. 12-820 EMC |
| |) | |
| Plaintiff, |) | |
| |) | MOTION AND PROPOSED ORDER TO |
| v. |) | CONTINUE SENTENCING HEARING |
| |) | DATE |
| ANDRE VIDEAU |) | |
| |) | Date: March 27, 2013 |
| Defendant. |) | Time: 2:30 pm |
| |) | Court: The Honorable Edward M. Chen |

Defendant Andre Videau respectfully moves this Court to continue the sentencing hearing in the aforementioned case from May 8, 2013 to June 19, 2013 at 2:30 p.m. The reason for this request is that defense counsel is waiting for records to be returned from psychiatrists and the Social Security Administration regarding Mr. Videau that undersigned counsel believes will be important for this Court to consider when imposing sentence. As of today, records from Mr. Videau's prior criminal cases have been requested by defense counsel, but she is informed by staff investigators that due to staffing constraints, psychiatrist, school, and SSI requests have yet to be submitted by our investigative staff. It is likely these records will take at least a month to procure, and it is important for the draft Presentence Report process that these records be considered by the Probation Officer when writing the Presentence Report.

Based on the aforementioned representations, Mr. Videau accordingly requests a continuance of the sentencing date to June 19, 2013 at 2:30 p.m. Undersigned counsel further represents that she attempted to reach the Assistant United States Attorney assigned to this case on March 13, 2013. At that time, the U.S. Attorney's office represented that it had no problem continuing the case to May 15, 2013 but was opposed to a continuance longer than this. Undersigned counsel again attempted to reach government counsel this morning to confirm her opposition to this request, but has not received a response as of the filing date. Accordingly, Mr. Videau assumes, but has not confirmed, that the U.S. Attorney's Office intends to oppose the motion to continue. Counsel for Mr. Videau has consulted with U.S. Probation Officer Trevor Lillian. Officer Lillian has no objection to continuing the sentencing or to the June 19, 2013 sentencing date.

Dated: March 26, 2013

Respectfully submitted,

STEVEN G. KALAR
Federal Public Defender

/s/
ELIZABETH M. FALK
Assistant Federal Public Defender

~~PROPOSED~~ ORDER

Based upon the aforementioned representations of the parties, it is hereby ORDERED that the sentencing of Andre Videau be continued to June 19, 2013 at 2:30 p.m.

DATED: 3/26/13

